

CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov**STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission**

In the Matter of:)	Docket No. 89-AFC-1C
)	Order No. 05-1103-02
Luz Solar Partners Ltd., VIII and IX's)	ORDER APPROVING a Petition
SEGS IX PROJECT)	to Amend Biological Resources
)	Condition BIO-11.k.

Luz Solar Partners Ltd., (LSP) VIII and IX, owners of the SEGS VIII and SEGS IX Projects near Hinkley, California, request modification of Biological Resources Condition of Certification BIO-11.k. of the SEGS IX Commission Decision. The modification will put into effect an agreement signed by representatives of the Bureau of Land Management (BLM), the project owner, and Energy Commission staff, which is attached to this Order. The agreement requires LSP VIII and IX to allow the Bureau of Land Management (BLM) to pump up to 75 acre feet of ground water a year from the SEGS VIII and IX Projects' base annual production allowance for maintenance of the Harper Lake wetlands. LSP VIII and IX have already provided the required \$60,000 for construction of the water well and water conveyance system, and the system is in operation. The Energy Commission approves this proposed amendment and the proposed modifications to condition of certification BIO-11.k. of the SEGS IX Commission Decision in accordance with Title 20, Section 1769(a)(3) of the California Code of Regulations.

ENERGY COMMISSION FINDINGS

Based on staff's analysis, the Energy Commission concludes that the proposed changes will not result in any significant impact to public health and safety, or the environment. The Energy Commission finds that:

1. The Bureau of Land Management (BLM) determined that it is unable to legally accept rights to State waters.
2. There will be no new or additional unmitigated significant environmental impacts associated with the proposed changes.
3. The facility will remain in compliance with all applicable laws, ordinances, regulations, and standards, subject to the provisions of the Public Resources Code section 25525.
4. The change will be beneficial to the public, applicant, or interveners. In this case, the amendment will be beneficial because it will provide long-term water to maintain the Harper Lake wetlands for the benefit of wildlife and the public.
5. There has been a substantial change in circumstances since the Energy Commission certification amendment under Order No. 00-0426010 resulting in information that was not available to the parties prior to the Energy Commission approval of this order.

CONCLUSION AND ORDER

The California Energy Commission hereby adopts the following changes to condition BIO-11-k. of the SEGS IX Commission Decision (Deletions shown as ~~strikeout~~, additions shown as **bold and double underlined**):

SEGS IX Project

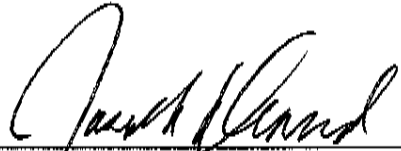
BIO-11.k. The project owner shall, in cooperation with the SEGS VIII project owner, allow transfer water rights to 75 acre feet of water per year, from a producer or producers of water in the Harper Lake Basin to the Bureau of Land Management (BLM) to pump up to 75 acre feet of water per year, as described in the Harper Lake Water Agreement (Agreement) ~~included as Appendix A of this Order, which was finalized on April 12, 2005.~~ The water will be used for maintenance of the Harper Lake wetlands. The project owner ~~has~~ shall also provided \$60,000 to the BLM to construct a water well and water conveyance system as specified in the Agreement. ~~The required \$60,000 shall be paid by the date specified in the Agreement. The water rights transfer must also be completed and approved by the Mojave Water Agency by the date specified in the Agreement.~~

Verification: ~~Within 10 days of payment of the required \$60,000 to the BLM, the project owner shall submit to the CPM a copy of the financial transfer check or instrument. Within 30 days of the transfer of required water rights to the BLM, the project owner shall submit a copy of the water rights transfer document to the CPM. The CPM shall, upon written confirmation from the BLM that the water rights have been transferred and that the required \$60,000 has been received, send a letter notifying the project owner that this condition has been permanently satisfied. Upon notification that the BLM has completed its obligation under the Agreement, The project owner shall sign and return a release and acknowledgement to the BLM and the CPM discharging the BLM and the State from any claims regarding this condition.~~ No later than December 16, 2005, the project owner shall provide photo-documentation of the BLM well along with its latitude and longitude, the well number as assigned by the Watermaster's local designation and state well number designation, and submit this information in writing to the CPM. At the same time it reports its annual water usage to the Mojave River Basin Watermaster, the project owner shall submit to the CPM the annual record of water pumped by BLM.

IT IS SO ORDERED.

Date: November 3, 2005

STATE ENERGY RESOURCES
CONSERVATION AND
DEVELOPMENT COMMISSION



JOSEPH F. DESMOND
Chairman